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13281 U.S. PTO

MAIL STOP PATENT APPLICATION  
Attorney Docket No.: 25321-Y2Y

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jonathan A. EPPSTEIN

Serial No.: Not yet assigned

Filing Date: February 6, 2004

Title: **MICROPORATION OF TISSUE FOR DELIVERY OF BIOACTIVE AGENTS**

(Continuation application of Serial No. 10/284,408, filed October 31, 2002, which is a continuation of Serial No. 09/331,124, filed August 12, 1999, now U.S. Patent No. 6,527,716, which is a 371 of PCT/US97/24127 filed December 30, 1997, which claims priority to Serial No. 08/778,415, filed December 31, 1996)

**TRANSMITTAL LETTER**

The Commissioner for Patents  
Alexandria, Virginia 22313-1450

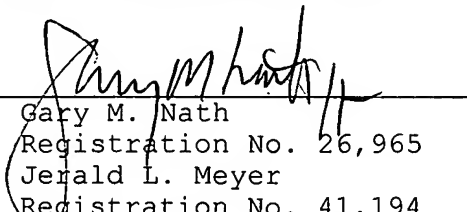
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter
- (2) Filing Form For Continuation U.S. Patent Application
- (3) Continuation application including:
  - 191 Pages Application Consisting of:
    - 144 Pages of Textual Specification
    - 12 Pages of 73 Claims
    - 1 page Abstract of the Disclosure
    - 34 sheets of drawings
- (4) **Preliminary Amendment (to be examined)**
- (5) Copy of executed Declaration from parent application
- (6) Copy of stamped filing receipt, Certificate under 37 C.F.R. §3.73(b), Revocation and Power of Attorney and documents relating to the chain of title from the parent application
- (7) Copy of Notice of Acceptance of Power of Attorney as issued by the United States Patent and Trademark Office
- (8) Copy of stamped filing receipt and documents indicating change of name of Assignee
- (9) Check No. 20355 \$ 1,434.00 for filing fee 5 additional independent claims fees and 13 additional claims fees
- (10) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
Gary M. Nath  
Registration No. 26,965  
Jerald L. Meyer  
Registration No. 41,194  
Customer No. 20529

Date: February 6, 2004  
**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
GMN/JLM/lis:CONT.appl.trans

**MAIL STOP PATENT APPLICATION**

Atty. Docket No.: 25321-Y2Y

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Jonathan A. EPPSTEIN

Serial No.: Not yet assigned

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Title: **MICROPORATION OF TISSUE FOR DELIVERY OF BIOACTIVE AGENTS**

**FILING FORM**

**FOR CONTINUATION U.S. PATENT APPLICATION**

Commissioner of Patents  
Alexandria, Virginia 22313-1450

Sir:

1. This is a Request for filing a  
☒ Continuation Application under:  
☒ 37 CFR § 1.53(b)(1)  
☐ Divisional Application under:  
☐ 37 CFR § 1.53(b)(1)  
☐ Continuation-In-Part (CIP) application  
☐ 37 CFR § 1.53(b)(2)

of **prior** ("parent") application:

Serial No. 10/284,408

Filed: October 31, 2002

Entitled: **MICROPORATION OF TISSUE FOR DELIVERY OF  
BIOACTIVE AGENTS**

which is a continuation of **prior** ("parent") application:

Serial No. 09/331,124 (Now U.S. Patent No.  
6,527,716, issued on March 4, 2003.)

Filed: August 12, 1999

Entitled: **MICROPORATION OF TISSUE FOR DELIVERY OF  
BIOACTIVE AGENTS**



13281 U.S. PTO

Docket No. 25321-Y2Y

which is an application under 35 U.S.C. §371 of:  
International Appl. No.: PCT/US97/24127  
International Filing Date: December 30, 1997  
Entitled: **MICROPORATION OF TISSUE FOR DELIVERY OF BIOACTIVE AGENTS**

which claims priority to:  
Serial No. 08/778,415  
Filed: December 31, 1996  
Entitled: **MICROPORATION OF TISSUE FOR DELIVERY OF BIOACTIVE AGENTS**

2. X \*Enclosed for application under 37 CFR §§ 1.53(b) are:  
157 pages of text (specification, claims, abstract)  
73 claims  
34 sheets of drawings

3. The **present** application names the following inventor(s):  
  
Jonathan A. EPPSTEIN

— (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

— Enter the Amendment filed in the prior patent application on \_\_\_\_\_ prior to calculating the filing fee.

XX Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		OR		NON-SMALL ENTITY	
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE			RATE	FEE
TOTAL	33	minus 20	13	x9=	0			x18=	234
INDEP	8	minus 3	5	x43=	0			x86=	430
BASE FILING FEE:				+385=	0			+770=	770
<u>XX</u> Multiple Dependent Claims				+145=	0			+290=	0
				TOTAL	0	OR		TOTAL	1,434

\_\_\_\_ Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:

- \_\_\_\_ was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);
- \_\_\_\_ is filed herewith;
- \_\_\_\_ will be filed at a later date.

X A check including the above-indicated filing fee is enclosed.

\_\_\_\_ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$\_\_\_\_ extension fee.

\_\_\_\_ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.

\_\_\_\_ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

X The prior application is assigned of record to Altea Therapeutics Corporation, 2056 Weems Road, Atlanta, Tucker, Georgia 30084, the Assignment being recorded on December 4, 2002, on Reel 013280, Frame(s) 0480.

\_\_\_\_ An original executed Declaration is enclosed.

X Amend the specification by inserting before the first line the sentence:

--This application is a continuation application of Serial No. 10/284,408, filed October 31, 2002, which is a continuation of Serial No. 09/331,124, filed August 12, 1999, now U.S. Patent No. 6,527,716, which is a 371 of PCT/US97/24127 filed December 30, 1997, which claims priority to Serial No. 08/778,415, filed December 31, 1996, the entire contents of which are hereby incorporated.--

\_\_\_\_ Foreign priority under 35 U.S.C. § 119 of \_\_\_\_\_ application(s) \_\_\_\_\_, filed \_\_\_\_\_, is hereby claimed. The certified priority paper(s):

- \_\_\_\_ was/were filed in the parent case;
- \_\_\_\_ is/are enclosed herewith;
- \_\_\_\_ will be submitted at a later date.

X The power of attorney in the prior application is to Gary M. Nath, Registration No. 26,965, Customer No. 20529.

X The power appears in the form of a Revocation and Power of Attorney in the prior application. A copy of which is enclosed, as well as a Notice of Acceptance of Power of Attorney issued by the USPTO

X Address all future communications to:

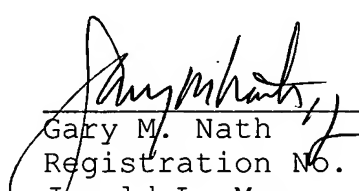
Gary M. Nath  
**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> Street, N.W.- 6<sup>th</sup> Floor  
Washington, D.C. 20005

— If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

X The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: February 6, 2004

  
\_\_\_\_\_  
Gary M. Nath  
Registration No. 26,965  
Jerald L. Meyer  
Registration No. 41,194  
Customer No. 20529

**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396  
GMN/JLM/lis:Cont.App